



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-90,939-01**

**EX PARTE ALBERT PRINGLER, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2016-410,986-A IN THE 137TH DISTRICT COURT  
FROM LUBBOCK COUNTY**

*Per curiam. Keasler, J., concurred.*

## OPINION

Applicant was convicted of failure to register as a sex offender and sentenced to three years' imprisonment. Applicant, through habeas counsel, filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant alleges that his offense was a state-jail felony and not a third-degree felony, so his three-year sentence is outside the applicable punishment range. The trial court, with the State's agreement, recommends granting habeas relief. The findings and recommendation are supported by the record and applicable law. TEX. CODE CRIM. PROC. arts. 62.101, 62.102; *Mizell v. State*, 119 S.W.3d 804, 806 (Tex. Crim. App. 2003); *Ex parte Rich*, 194 S.W.3d 508 (Tex. Crim. App. 2006).

Relief is granted. The judgment in cause number 2016-410986 in the 137th District Court of Lubbock County is set aside, and Applicant is remanded to the custody of the Sheriff of Lubbock County to answer the charges as set out in the indictment. The trial court shall issue any necessary bench warrant within ten days from the date of this Court's mandate.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: April 1, 2020  
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